

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, NOVEMBER 12, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

November 6, 2015 @ 9:30 A.M.

- a. Carlo Rose Cigar Bar & Lounge, 10 Bridge Street #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:20-a/Liq. 704.01 – failed to renew Cigar Bar license 30 days prior to expiration.
Cited for violation of RSA 178:20-a, II(a) – failed to provide records to demonstrate cigar and alcohol sales.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Dates of violations: August 31, 2015 & September 16, 2015.
Case #: 15-341-OF.

Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters and cases, lighters and ashtrays.
Cited for violation of RSA 179:32, II – purchased alcohol from other than a holder of a wholesaler distributor license.
Cited for violation of RSA 178:29, VIII – license was transferred to another location without consent of the Commission.
Date of violations: September 16, 2015.
Case #: 15-342-OF.
SETTLEMENT PENDING.

November 6, 2015 @ 10:30 a.m.:

- b. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.
SETTLEMENT PENDING.

November 19, 2015 @ 8:30 a.m.:

- c. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #: 15-114-OF & 15-184-OF.

November 19, 2015 @ 10:30 a.m.:

- d. UPS, 55 Glen Lake Parkway, Atlanta, GA.
Carrier-Beverage/Wine/Liquor License #748116 licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I/Liq. 1104.06 – shipped and delivered alcohol for a company on the unauthorized shippers list – 2 counts.
Cited for violation of RSA 179:5, I – failed to obtain an adult signature when delivering an alcohol product.
Dates of violations: April 29, 2015, June 29, 2015 & July 21, 2015.
Case #: 15-173-OF, 15-259-OF & 14-288-OF.
SETTLEMENT PENDING.

November 19, 2015 @ 1:00 p.m.:

- e. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH.
Restaurant Full Service With Lounge License #1369903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: June 28, 2015.
Case #: 15-266-OF.

December 4, 2015 @ 9:30 a.m.:

- f. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.

December 11, 2015 @ 9:30 a.m.:

- g. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Boys & Girls Club of Souhegan Valley, 56 Mont Vernon Street, Milford, NH 03055.
To be issued an off-sale special Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:17, II.
Event date: 11/21/2015.
- b. Bubby's Delicatessen LLC, 241 Hanover Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage and Wine License #1501303 pursuant to RSA 178:20.
- c. Buckley's Bakery-Café, Inc., 436 Daniel Webster Highway, Merrimack, NH 03054.
To be issued Restaurant On-Premise Beverage and Wine License #1518503 pursuant to RSA 178:20.
- d. Profile Coffee Bar Corporation, 15 Portwalk Place, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage and Wine License #1518103 pursuant to RSA 178:20.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 9, 2015: 1,146

- a. Ashuelot Brewing Company LLC, 110 Old County Road, Richmond, NH 03470.
To be issued Beverage Manufacturer License #290618 pursuant to RSA 178:12.
Recommendation: Approval only for MANUFACTURING AND RETAIL SALES ONLY.
- b. Eidolon Winery, Inc. DBA Balboa Winery, 4169 Peppers Bridge Road, #A, Walla Walla, WA 99362.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- c. Mango Bottling, Inc., 767 Clearlake Road, Cocoa, FL 32922.
To be issued Liquor and Wine Vendor License #113845 pursuant to RSA 178:9.
- d. Messer, Danielle, 48 Robbie Farm Road, Peterborough, NH 03458.
To be issued Alcohol Consultant License #505044 pursuant to RSA 178:27-a.
- e. RADIUS Wines LLC, 3524 N. Silverado Trail, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- f. Vintage Wine Estates, Inc. DBA Cosentino Winery, 7415 St. Helena Highway, Yountville, CA 94599.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Galley Hatch Restaurant, Inc. DBA Galley Hatch, Route 1, Winnacunnet Road, Hampton, NH 03842. Restaurant On-Premise Cocktail Lounge License #297703 licensed pursuant to RSA 178:22. Date petition received: 11/4/2015. Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
- b. Mac's Convenience Stores, Inc. DBA Circle K 7213, 885 Route 16, Ossipee, NH 03864. Combination Off-Premise Beverage and Wine License #3222347 pursuant to RSA 178:18. Date petition received: 11/6/2015. Requested permission to transfer alcohol inventory to a new location, to wit, from Circle K 7213, Ossipee, NH, License #3222347 to Circle K 7226, Dover, NH, License #3220247 located at 165 Knox Marsh Road, Dover, NH due to the Ossipee store being razed and rebuilt at the Dover location on or before January 14, 2016 per their letter dated November 6, 2015 and pursuant to RSA 178:29, VIII.
- c. Peyton Place Restaurant at the Mann Tavern LLC, 464 NH Route 10, Orford, NH 03777. Restaurant On-Premise Beverage/Wine/Liquor License #1204403 licensed pursuant to RSA 178:21. Date petition received: 11/2/2015. Requested a waiver of RSA 178:21 II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week between November 1, 2015 and April 10, 2016 as indicated in a letter dated October 23, 2015.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

- a. Jade Palace, 28 Portsmouth Avenue, Stratham, NH. Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts. Dates of violations: October 13, 2014 & December 28, 2014. Case #: 14-400-OF & 15-7-OF. HEARING WAS HELD SEPTEMBER 17, 2015. OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED. THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING. **RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.**

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Country Corner Mile LLC, Route 31, Greenville, NH 03048.

Agency Store Off-Premise Liquor Only License #980404 licensed pursuant to RSA 177:9.

Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.

Recommendation: Approval.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 11/6/2015, 11/7/2015 & 11/8/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- b. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 11/9/2015, 11/10/2015 & 11/11/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- c. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 11/20/2015, 11/21/2015 & 11/22/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- d. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 11/27/2015, 11/28/2015 & 11/29/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- e. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 12/4/2015, 12/5/2015 & 12/6/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- f. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 12/11/2015, 12/12/2015 & 12/13/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- g. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 12/18/2015, 12/19/2015 & 12/20/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.

- h. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 12/21/2015, 12/22/2015 & 12/23/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- i. Labelle Winery LLC, 310 Daniel Webster Highway, Nashua, NH 03060.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event dates: 12/26/2015, 12/27/2015 & 12/28/2015.
Recommendation: Expedited approval.
Commission approved on 11/3/2015.
- j. New Leaders Council, Work Nest, 85 South Main Street, Concord, NH 03301.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).
Event date: 11/5/2015.
Recommendation: Expedited approval.
Commission approved on 11/5/2015.